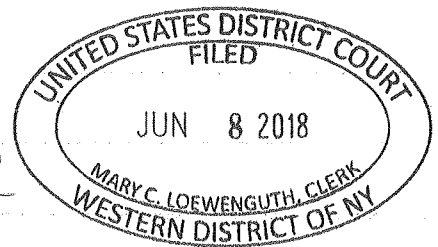


United States District Court
Western District of New York
Charles Burgin
Plaintiff

jury Trial Demanded

v.
Buffalo Board of Education et al
L. Nathan Hare Defendants



Case No: 15CV 02018

Amended Complaint

Defendant: Buffalo Board of Education,
Associate Superintendent Buffalo Public Schools Will Keresztes,
Director of social studies Buffalo Public Schools Charles Brandy,
Interim Superintendent Buffalo Public Schools Donald A. Ogilvie,
President Buffalo Board of Education James M. Sampson,
Board of Education member Carl Paladino,
Board of Education member Lawrence Quinn,
Board of Education member Patricia Pierce,
Board of Education member Theresa Harris-Tegg,
Board of Education member Barbara Seals-Nevegold,
Former Chairman and Executive Director of United
Block Mens Think Tank of Buffalo, L. Nathan Hare

Plaintiff, In Compliance with Judge Skotney's 4-24-18 Order to file an amended Complaint States as follows:

- 1.) That, Plaintiff had filed A Notice of Claim with Buffalo Board of Education (hereafter BOE) Board members and employees who are being sued in their individual and joint capacities; along with L. Nathan Hare, Director of Erie County C.A.O.
- 2.) That, at all times Buffalo Public School District (hereafter BPS) and BOE was subject to various state and federal Laws, Rules and Regulations.
- 3.) That, Plaintiff Charles Burgin is grandfather of an Olmsted School student was qualified to serve on their School Based Management team and also served as their elected representative or alternate representative to the District Parent Coordinating Council.
- 4.) That, Plaintiff (hereafter Charles Burgin) was listed as a speaker on BOE Speaker List for May 25, 2011 With the subject being Mentoring. See exhibit #1.

- 5.) That, BPS in conformance with federal law ESEA section 1118 and New York State Education Law (Regulation 100.11) recognizes District Parent Coordinating Council (hereafter DPCC) as the official representatives of parents. Charles Burgen by reference incorporates a seven page "Parent Involvement Policy" as if fully set forth herein. See exhibit #2.
- 6.) That in fall of 2011 Charles Burgen was elected chairman of DPCC Mentor Committee for BPS. See exhibit #3.
- 7.) That, the DPCC body unemously endorsed Charles Burgen's movement and advocacy to empower at-risk students impacted by gun violence and to increase life skills mentor programs in BPS. See exhibit #4.
- 8.) That, in 2012 due to his advocacy on behalf of Black male students and the impact of low graduation rates in BPS, Charles Burgen was appointed by Interim Superintendent Amber Dixon to serve on the newly created BPS Mentor Committee, which is separate from DPCC mentor committee. See exhibit #5.

- 9.) That, Charles Burgin served on this BPS mentor committee with Director of Social Studies Dept. Charles Brandy, Isail Wells, T Ray Cooley, (and others) as the committee had interactions with associate Superintendent Will Keresztes.
- 10.) That, in January 2013, Charles Burgin contacted Tammy T. Reed, Executive Director of 5000 Role Models of Excellence Project which serves to empower Black male students of Miami-Dade County Public School System with mentoring.
- 11.) That, Charles Burgin received a letter ^{from} her stating "I wish you success in your efforts to establish and build a mentoring program that positively impacts the lives of our children." See exhibit #6.
- 12.) That, animus evolved when Charles Burgin tried to get Charles Brandy and Will Keresztes to "fully understand that by no means will I be rushed into accepting any agreements made on behalf of DPCC parents or stakeholders. Everything must be carefully discussed and worked out and that includes hearing from other parties in the community which I intend to contact... I have

been at every BPS mentor Committee meeting since it was established 14 months ago, so I am very patient and prepared to take as long as it is needed to get the proper program to serve as many of our needy students as possible." See exhibit # 17 which is a March 22, 2013 email sent to Charles Brandy and Will Kereszter. The entire contents of this email is incorporated by reference as if fully set forth herein.

13.) That, on April 26, 2013, Tracy Cooley acting as secretary sent email to BPS Committee members stating "The mentoring meeting is cancelled until further notice. For any questions please contact Mr. Brandy." For the record, Charles Burgin had been told by Will Kereszter that "BPS has enough mentor programs and does not need anymore, maybe you should consider working with one of them." See exhibit # 8 which is copy of April 26, 2013 email.

14.) That Charles Burgin sent email to Charles Brandy stating "You are aware that the 5000 Role Models of Excellence Project would highly benefit our young Black males in BPS system, but my

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instructions tell me that you and others in the BPS
 have already decided otherwise hence the BPS
 Committee meetings have been cancelled to
 further notice. Trust me! You have a fight on
 your hands if you think that I will allow
 our young Black males to be sold out...
 You know what I have been trying to make
 happen yet it seems you have gone A.W.O.L.
 or undercover, calling off BPS mentor meetings
 without speaking to me about what is actually
 going on with the so-called higher ups and people
 who want to mentor our students without explicitly
 showing how they intend to stem the tide and
 effectively reach Black male students like my
 17 year old mentee... you know they need the
 500 Role Models of Excellence Project. See exhibit #9 which
 Charles Brandy incorporated by reference the entire
 email as if fully set forth herein.

15. That, Charles Brandy via email dated May 16, 2013
 effectively shut down the BPS Mentor Committee
 stating "It has come time for me to move forward.
 We have moved past the stage of privately addressing
 any discontent or concern related to the committee.
 It is my sincere hope that another administrator

or department will be encouraged to continue this work. See exhibit #10.

16. That, via email dated August 13, 2013 Charles Burgin stated to Marilyn (former BPS Committee member) "Of course you know that Charles Brandy and Dr. Keresztes misrepresented what our Mentor Committee had recommended in terms of the Big Brother Big Sisters org. since they had received that million dollar grant. I did not let those two sell-outs stop my advocacy on behalf of our young Black males. I don't know if anyone informed you but on my own initiative, I was able to persuade Board member Sam Petrucci and Ralph Hernandez to help draft a resolution and bring it before the BOE Committee for evaluation and the final Vote. The resolution in support of 5000 Role Models of Excellence Project was approved on June 12, 2013, and Supt. Brown has been ordered to do a cost analysis study etc." See exhibit #11.

17. That, Charles Burgin offers a 6 page document that BOE passed the 5000 Role Models of Excellence Project and ordered Supt. Brown to do an impact

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study / cost analysis. See exhibit #12.

18.) That, Charles Brandy received an August 16, 2013 letter from Congresswoman Frederica S. Wilson founder of 5000 Role Models of Excellence Project stating "I appreciate your efforts to have the 5000 Role Models of Excellence Project adopted in the Buffalo Public Schools system. I informed the members of the school board that I would be delighted to come to Buffalo to help move the initiative forward." See exhibit #13.

19.) That, Charles Brandy contacted BOE President, Supt. Brown and board member Theresa Harris-Tegg several times over a period of months, requesting that an invitation be sent to Congresswoman Wilson - but received no cooperation which was rather revealing considering the circumstance that the graduation rate at the time was 25% for Black male students in BPS.

20. That even though BPS Mentor Committee had been shut down for months after Charles Brandy's departure, Supt. Brown appointed associate superintendent Will Hereszes to be in charge of

the Board ordered 6-12-13 impact study/cost analysis for 5000 Role Model of Excellence Project. Will Keresztes then appointed Charles Brandy to oversee it.

21.) That, Via 3 page, 20 paragraph email dated Sept. 3, 2013, Charles Burgin stated to Supt. Brown "Urgent!! Need to meet with you (amongst other important considerations) to discuss issues and disputes concerning credibility, conflict of interest relating to Dr. Keresztes and Charles Brandy of the BPS Mentor Committee, along with your recent appointment of Dr. Keresztes as "lead person on the project" i.e. 5000 Role Model of Excellence Project, whereby he has selected Charles Brandy to do impact study."

22.) That, at page 3, paragraph 20, Plaintiff Charles Burgin stated "That again I reiterate that there is a conflict of interest and other issues of integrity and credibility with Dr. Keresztes and Charles Brandy concerning the BPS Mentor Committee which was clearly evidenced by facts and evidence which I still plan to present to you once you grant the request for a meeting. This situation

definitely calls for a meeting ... In closing Dr Brown, I say once again at the behest ~~and~~ and concern of Community stakeholders, I'm asking for your attention and a set down meeting to resolve issues and move forward...!"

23.) That, Charles Burgin incorporates by reference the entire 3 pages of the Sept. 3, 2013 email as if set forth herein. See exhibit # 14.

24.) That, via email dated 8-29-13, Tracey Cooley sent Charles Burgin an email announcing, "On Thursday Sept 5, from 2-4 PM at 1501 Lower Terrace 4th floor, the BPS Mentoring Committee will be reconvening to begin discussion surrounding the 5000 Role Model of Excellence Project mentoring Program. I have also attached an invite to an event taking place on September 11, at the Delewan Judea Community Center in anticipation of the program."

25. That, the "event" on Sept. 11, 2013 was sponsored by "The Buffalo Mentoring Initiative" see exhibit #16.

26.) That, of significance "The Buffalo mentoring initiative was controlled by former Western District Counselman Demone Smith, Charles Brandy and defendant L. Nathan Hare. Further note the heading on the exhibit 16 flyer contains letterhead or symbol "Buffalo Public Schools."

27. That, Charles Brandy wanted Charles Burgin to meet with Mr. Smith at his city Hall office and sent email dated Sept. 6, 2013. See exhibit #17.

28. That, Charles Burgin accepted an offer from Tracy Cooley to assist with developing the implementation plan and business plan. See exhibit #18.

29. That, Charles Burgin accepted an offer from 5000 Role Models of Excellence Project founder Frederick S. Wilson to attend a Congressional Black Caucus Educational Forum in Wash. D.C. in which members and students of the program would be in attendance.

30.) That, Charles Burgin discussed how he was in process of doing business plan and budget for Buffalo Chapter of 5000 Role Models of Excellence Project and it was agreed that he would become Executive Director of the Buffalo Chapter and that a salary of \$40,000 would be included in the Budget Plan. BPS mentor Committee member also referenced the fact about the Executive Director to other Committee members. See exhibit #19.

31.) That, Tammy T. Reed Executive Director of 5000 Role Models of Excellence Project (Miami-Dade County Public Schools) sent Charles Burgin a copy of membership application they used to sign up Volunteer Applicants, along with copy of Volunteer Application which could be used to register Volunteers for Buffalo Chapter. See exhibit #20.

32.) That, Paul V. Wilson son of Congressman Frederica S. Wilson sent email to Charles

Burgin stating "If there is anything I can do to assist you, please do not hesitate to ask. P.S. We are going to get their 5000 Role Models of Excellence Project off the ground in Buffalo! I can't wait." See exhibit #21.

33.) That, via email dated June 13, 2013, Board member Lou Petrucci stated "Mr. Burgin - the second part of the resolution is now for you to formulate a business plan for your mentoring program as anything that we can do to improve African and Hispanic male graduation rates should be explored. If it works in Florida, hopefully it will work here in Buffalo." See exhibit #22.

34.) That, at Board meeting in November of 2013, Charles Burgin approached Superintendent Pamela Brown and asked her why she had not (as promised) sent out a written invitation to 5000 Role models of Excellence Founder Congresswoman Frederica S. Wilson to come to Buffalo? Supt. Brown replied

that she had to first read a BPS Mentor Committee Report received from Charles Brandy.

35.) That, Charles Burgin approached Charles Brandy and asked for a copy of her arbitrary report since no other BPS Mentor Committee member had contributed to the report, nor had they received any copies from Charles Brandy. He still would not give Charles Burgin a copy.

36.) That, Charles Burgin learned Charles Brandy had written his arbitrary report on November 12, 2013, addressing it to associate superintendent Will Keresztes, and he then requested a copy, but never received one from Will Keresztes.

38.) That, Charles Burgin then demanded a meeting with Supt. Brown and that he immediately receive a copy for review, so that he may respond accordingly.

39. That, Supt Brown set up a meeting for December 4, 2013, but only sent Charles Burgin a copy on Dec 3, one day before the meeting.

39.) That, upon receipt of a copy of Charles Brandy's November 12, 2013 report via email, it was evident that while arbitrarily written without any input from other BPS Mentor Committee members, it was intentionally falsified. See copy of report at exhibit #23, which Charles Brandy incorporates by reference as if fully set forth herein.

40.) That, Charles Brandy had fraudulently composed his November 12, 2013 report in conspiracy with L. Nathan Hare in order to halt the ongoing impact study/cost analysis which included the business plan and budget Charles Brandy was to present to BPS and Board.

41.) That, at page 2 of his falsified report of November 12, 2013, Charles Brandy states "None of the above mentioned information was provided to the committee for review and discussion. Mr. Brandy did not participate in the October 12, 2013 conference call with the committee and

CEASED ALL COMMUNICATIONS. Recommendation: The 5000 Role models of Excellence Mentor Program is not recommended for implementation in BPS in a limited or full capacity at this time. Specifics of the program's Core Components remain unknown."

42.) That, Charles Burgin states the above statement of Brandy's was an intentional lie perpetrated on Fraud and deceit in Conspiracy as follows:

43.) That, BPS Mentor Committee email records prove that Charles Burgin did not "Close all communications with the Committee in that-

44.) Actual email sent to BPS Mentor Committee by Charles Brandy regarding the Conference call states "Hello Everyone, our Conference call is scheduled for 4 P.M. Friday October 11, 2013." Note: THERE NEVER WAS ANY CONFERENCE CALL SCHEDULED FOR OCTOBER 12, 2013, and it was impossible for "Mr. Burgin did not participate in the October 12th conference call with the Committee and closed all communications."

(15) see exhibit # 24

45.) - actual BPS Mentor Committee Email of Friday October 11, 2013 3:39 A.M. sent from Charles Burgen to committee member Isail Wells (who coordinates with all committee members) Starting at middle of email Charles Burgen states "Instead of holding a Conference call today, I find it imperative that we meet to discuss the BPS Mentoring Initiative and Isail's understanding. Furthermore, I'm still in the process of putting together the steering Committee which will be addressing the major issues and concerns with implementing the 5000 Role Models of Excellence Project in BPS and preparing for Cong. Wilson's Visit to Buffalo especially in light the fact her Visit will coordinate the ongoing campaign to build a movement to recruit and sustain mentors etc. I do not intend to rush things and fully understand that everything can not be done by January 13, 2014 tentative date so I'm looking at September 2014 as a more realistic goal for implementing the 5000 Role Models of Excellence Project in BPS." See exhibit # 25.

46.) - BPS Mentor Committee member Isail Wells responded to Charles Burgen via

email dated October 11, 2013. "Everyone who called in for the conference call felt the Conference call SHOULD BE CANCELLED and as per your suggestion BE REPLACED WITH A MEETING. A meeting time was identified therefore we need to know if you are available to meet next Friday on October 18th at 11 A.M. The meeting would be held at the regular location. If this is not convenient for you please PROVIDE ANOTHER TIME WHEN YOU ARE AVAILABLE as we feel we cannot proceed without your input. I got your number from Tracy and will be calling you this weekend to clear up any misunderstanding that we might have regarding the email I wrote." See exhibit #26

47) - Replying to Gail Wells' request for a meeting date Charles Burgin responded via email dated October 14, 2013. "This is to inform that I am not available for the 18th of October. I will be available for a meeting on Friday the 25th after 1:30 P.M.

or from the 28th thru 31st of October after 1:30 P.M. At that meeting we shall discuss the formal role of the BRS Mentor Committee as regarding the 5000 Role Models of Excellence Project - WHICH HAS NOTHING TO DO WITH THE SO-CALLED BUFFALO MENTORING INITIATIVE! We also shall discuss for the record, how the Steering Committee which I'm putting together to advance objectives and implementation of 5000 Role Models of Excellence Project; along with the impact study and cost analysis which cannot be performed until after my business plan and budget has been perfected along with other pertinent concerns and timelines." This proves that Charles Brandy intentionally lied about how Charles Burgin "ceased all communications" with BRS Mentor Committee. See exhibit # 27.

49.] - Further proof of Charles Brandy's intentional falsification can be found in an October 23, 2013 email Gail Wells sent to Committee members including Charles Brandy and Charles Burgin whose email

address is shown as browaninc@gmail.com. Isail Wells states "Dear Team I am leaving for Baltimore tomorrow morning but I have attached an article that was sent to me by a national Black think tank which I belong to. Please read it and send comments/reactions. See exhibit #28. The email from Isail Wells proves that Charles Burger has not abandoned the Committee nor "closed all communications." Notice how Charles Brandy replies to Isail with "Thank you" email. See exhibit #29.

49.) That, Charles Burger met on December 4, 2013 in the office of Superintendent Brown who refused to accept his documentary proof that Charles Brandy had intentionally falsified his November 12, 2013 BPS Mentor Committee Report and had conspired with L. Nathan Ware (leader of Buffalo Mentoring Institute) to shut down board ordered 6-12-13 impact study cost analysis.

50. That, Charles Burger sent December 7, 2013
(19)

email to Gail Wells "By now I'm sure that you have been contacted by Tracy Cosley or received a copy from Charles Brandy of his fraudulent and bogus report he submitted to Supt. Brown on November 12, 2013. You are totally aware that our email evidence provides a foundation to the truth of the matter. I have notified Tracy that I'm in process of asking the Board for a full Review of Charles Brandy's bogus report as Supt. Brown has turned it over to them. Of course you are now aware that Dr. Kereszter and Charles Brandy will be doing business with those people who started "The Buffalo Mentoring Initiative" (J. Nathan Hare) only they have changed the name. Just coincidence? In any event, I just want to know where you stand as to the truth of the matter, as I await your immediate reply." See exhibit # 30, which Charles Burger incorporates by reference as if fully set forth herein.

51.) At bottom of exhibit # 30, it also

shows that Gail Wells responded to Charles Burgin via email dated Dec. 10, 2013 "Brother Charles I would prefer to speak with you in person."

52. That L. Nathan Hare put out a flyer containing "mentoring initiative" update 12/6/13. See exhibit # 31 which Charles Burgin incorporates by reference as if fully set forth herein, as it speaks toward motive for fraudulent action of Charles Burgin and L. Nathan Hare

52. That, Charles Burgin submits further proof for Fraud via early 2014 email he received from Heath French of BRS stating "All mentoring programs should be coordinated through me Nate Hare." See exhibit # 32.

53. That, Charles Burgin offer further proof of fraud motive found in an October 17, 2013 letter he sent to Mayor Brown containing 4 pages.

54. That, at bottom of Page 3 and top of Page 4, Charles Burgin states to Mayor Brown - That over this period of time, I was informed by Sam Rodford that he was aware of all the work I had done on the 5000 Role Models of Excellence Project and that he would hate to see me left out as Councilman Demone Smith, Charles Brandy and Nate Hare were going to connect with you (Mayor Brown) to reach out to Congresswoman Frederica S. Wilson and bring her to Buffalo so they could take over the 5000 Role Models of Excellence Project. This was a certified letter mailed to Mayor Brown in which he never responded, as it is well known that L. Nathan Hare and Mayor Brown are political cronies. This letter has been marked as exhibit # 33

55. That, further proof of the relationship L. Nathan Hare had with Board President Nevergold and Supt. Brown is revealed in a June 1, 2014, from an associate of L. Nathan Hare - This conversation with

Superintendent should prove to be very informative and in light of the fact that she and current School Board President Barbara Jeals - Nevergold attended our dinner party fund raiser last February 22nd and ASSISTED IN MOVING OUR MENTORING PROJECT FORWARD WITH BUFFALO PUBLIC SCHOOLS" See exhibit #34

56.) That, eventually, L. Nathan Hore was able to procure a Mentor Program Contract with assurance of Will Kerszter that put him in charge of all mentor Related activity in BPS.

57.) That, after Charles Burgin Speaker's list experience of April 9, 2014, the Buffalo Board of Education and Board members retaliated against him by refusing to acknowledge his many written request that they (the Board) meet with him to review his evidence of wrongful conduct by District employees.

and Supt Browning concerning the Board ordered 6-12-13 Resolution export study Cost analysis for 5000 Role models of Excellence Project - as they were legally obligated to meet with Charles Burgen - not only because he was trying to gain a Contract - but because he was a Valid Confirmed Parent representative of DPCC! see exhibits 35 through 42, which Charles Burgen incorporates by reference as if fully set forth herein.

58.) That the Code of Conduct requires the Board to "Welcome and encourage active involvement by citizens, including parents and organizations in Board activities regarding establishing school policy and developing future plans" see exhibit # 43 =

59.) That, Section 1983 - Civil Rights Liability - "lawsuit against a school district or official for Violation of a federal right, where otherwise there would be no ~~remedy~~ Remedy for the Violation." see exhibit # 44.

60.) That, Charles Bergen submits Board of Education minutes from April 29, 2015, whereby Dr. Leah Nevegold states for the record "The only employee the Board has is the Superintendent... We asked you and essentially gave you a directive to not meet with Mr. Wiener... See exhibit # 4/5, which certainly proves that the Board had the power to review the actions of Supt. Brown as pertaining to the shutting down of import study/cost analysis for 5000 Rob Model Of Excellence Project.

61. That, Charles Bergen via email dated December 20, 2013 to Board member Theresa Hayes-Tegg stated "I'm requesting an urgent meeting with you to discuss the materials which I had dropped off to your mailbox on 11-27-13, as regarding a boquer report submitted ~~by~~ ^{to} Supt. Brown on November 12, 2013 concerning the import study cost analysis which the Board authorized in a June 12, 2013 Resolution..." See exhibit # 4/6 which

Charles Burgin incorporates by reference as if fully set forth herein.

62.) That, via email dated Sept 21, 2013 Charles Burgin ^{asked} Supt. Brown and Board President Seals-Nevegold send out the letter of ^{INVITATION} ~~acceptance~~ to Cong. Wilson. "It has now been 13 weeks since Cong. Wilson sent her letter to BOE. Now, I hope it's not asking too much to have that letter of invitation and welcome sent out to Cong. Wilson within the next 10 days." Again, Burgin received no reply. See exhibit # 48, in conjunction with exhibit # 47, which is email dated July 8, 2013 in which Seals-Nevegold as Board President pledges her support to Charles Burgin as regarding 5000 Role Models of Excellence Project!

63.) That, Charles Burgin hand delivered letter of 9-26-13 asking Supt. Brown to send letter of invitation to Cong. Wilson but received no reply - see Exhibit # 49.

64.) That, by hand delivery, Charles Burgin gave Supt. Brown's staff a 5 page letter dated November 22, 2013 in which Supt. Brown was placed on notice that "any report that Mr. Brandy and Dr. Kreszler may have given you may possibly be based on fraud ... see exhibit #50, which Charles Burgin incorporates by reference as if fully set forth herein.

65.) That, Supt. Brown eventually agreed to meet with Charles Burgin which was perfunctory in nature as she refused to accept any of my documents that proved Charles Brandy's November 12, 2013 report was based on fraud which was sanctioned by Will Kreszler. See exhibits #51 and #52 which Charles Burgin incorporates by reference as if fully set forth herein.

66. That, Supt. Brown acted contrary to BRS policy, see exhibit #53, and that New York State Education Commissioner John King criticized Buffalo School Leadership

"for failing to present to the public a strong educational vision for how the district will grow student achievement instead of proactive leadership, the DISTRICT HAS A HISTORY OF REPEATEDLY SHADING THE FACTS." See exhibit # 54, which Charles Burgin incorporates by reference as if fully set forth herein.

~~67.) That~~

67.) That, when Will Keresztes became Temporary Interim Superintendent of BPS, he pledged \$840,000 to Hillside Work Scholarships enabling the program to expand claiming that he "expects unanimous Board approval later this month to reallocate money originally budgeted for unnecessary expenditure ... See exhibit # 55 and # 56.

68.) That,

CAUSES OF ACTION

FIRST CLAIM FOR RELIEF

(Violation of First Amendment to U.S. Constitution Section 412 U.S.C. 1983

69.) Plaintiff hereby re-allege and incorporates by reference paragraphs 1 through 68 as if fully set forth herein

70.) That, Charles Burgin, District Parent Coordinating Council Mentor Committee Chairman was an approved speaker at the April 9, 2014 Buffalo Board of Education meeting. See exhibit # 57

71.) That, Charles Burgin was registered on the April 9, 2014 Speakers list to speak on "5000 Role Models of Excellence Project."

72.) That, his intention was to expose and speak about how a Board ordered 6-12-13 Resolution impact study/cost analysis was being fraudulently and conspiratorily shut down by illegal actions of employees Charles Brandy, Will Heresyes which was sanctioned by Sup't. Brown after she was made aware ^{the alleged} actions of her subordinates to effectively stop 5000 Role Models of Excellence Project from having impact study/cost analysis done.

73.) That he sought to speak about ^{how} Charles

Brandy had offered a fraudulent November 12, 2013 ~~mentor~~ Committee report to Well Kereszter, who forwarded it to Supt. Brown.

74.) That, Charles Burgin sought to speak about how his written notice to several Board members including Board President Seals-Nevegold - asking that they meet with him as a certified parents organization (OPCC) representative to accept his materials exposing the fraud, and demand that an investigation be done by the Board but instead they ignored him while acting with deliberate indifference.

75.) That, Charles Burgin was trying to tell the Board, public audience and T.V. audience about the animus he encountered by the defendants when he sought to have the truth come out and thus had to file a notice of claim.

76.) That, Charles Burgin wanted to share with the Board and audience how a supposedly caring Black female Superintendent of BPS, when asked why she never sent the letter of invitation for ^{Black} Congresswoman Fredericka S. Wilson Founder of 5000 Role Models of Excellence Project - she astonished him by remarking "How do you know that I wanted that woman to come here in the first place?" It revealed her true character.

77.) That, while Charles Burgin was ~~spoken~~ speaking on the above to a certain extent Board President, in a custom and policy of not letting approved and registered speaker speak about being harmed by actions of Superintendents or Board members, Violated his Constitutional rights under the First Amendment by objecting to the topic and content of his speech and shouting loudly to BPS Security officers "Get him out of here!"

78.) That Charles Burgin was escorted out
(31)

of the Board meeting by a security officer and told not to come back in.

79.) That Charles Burger suffered injustice and retaliation after that speaker's last incident because no Board member would meet with him to discuss his or parents' grievances.

SECOND CLAIM FOR RELIEF (Tortious Interference with Prospective Economic Advantage)

80. That, Plaintiff ^{hereby re-alleges and} incorporates by reference Paragraph 1 through 79 as if fully set forth herein.

81.) That, Charles Burger and 5000 Role Models of Excellence Project Founder Frederico S. Wilson had agreed that he would be the Executive Director of the Buffalo Chapter at a salary of \$40,000 after completion of his business plan and budget was perfected and a contract was approved by BPS Board of Education.

82- That, the arbitrary, wrongful fabrication of a November 12, 2013 BPS Mentor Committee report was created by BPS employee Charles Brandy acting in conspiracy with L. Nathan Hare (Executive Director of United Black Men's Think Tank, and Erie County C.A.O.), who was seeking a mentor contract with BPS to take over all aspects of BPS Mentor Program and Policy -

83- The the falsified report of November 12, 2013 was negligently accepted by BPS Associate Superintendent Will Keresztes and BPS Superintendent Pamela Brown, who acted indifferent and never intended to honor a June 12, 2013 Board ordered Resolution that directed her to conduct an impact study cost analysis of 5000 Real Models of Excellence Project which Charles Brandy was seeking to implement a Buffalo Chapter in BPS -

84- That, Buffalo Board of Education and individuals acting in their personal capacity acted with deliberate indifference

and at times was hostile to Charles Burgin who was also District Parent Coordinating Council Mentor Committee Chairman representing BPS Parents, as several times he specifically request Buffalo Board of Education and individual members of Board to do their legal duty as they were obligated to meet as a Board to hear from Charles Burgin (and parents) and investigate charges and claims of fraud, conspiracy, and wrongful action brought to their attention by a qualified parents organization representative.

82. That, concerted ^{illegal wrongful} actions of defendants caused injury to plaintiff Charles Burgin as he was not allowed to proceed with his business plan and ~~but~~ budget and present it to BPS Board to form a contractual relationship and to have Buffalo Chapter of 5000 Role Models of Excellence Project to uplift and empower Black male students whereby the BPS had dismal graduation rates of 25% at the time Charles Burgin sought contract.

THIRD CLAIM FOR RELIEF (INJURIOUS FAISSEHOOD)

83. That Plaintiff Charles Brandy hereby realleges and incorporate by reference Paragraphs 1 through 82 as if fully set forth herein.

~~84. That, Plaintiff Charles Brandy hereby~~
~~re~~

84. That, Charles Brandy by his malicious actions in falsifying a report he created on November 12, 2013, and delivered to associate Superintendent Will Kereszter, who then knowing it to be false, forwarded it to BPS Superintendent Will Kereszter, who then Pamela Brown who shut down the impact study/cost analyses which was ordered by the Board Resolution of G-12-13 for 5000 Role Models of Excellence Project.

85. That, the defendants deliberate wrongful actions caused injury to

Charles Burgin. Charles Bramely assisted his associate L. Nathan Hare who sought to shut down Charles Burgin's Business Plan and completion of his budget because Hare sought to himself contract with BPS and control all Mentor Related Program and policies in BPS.

86.) That, L. Nathan Hare was eventually given a BPS mentor contract while Supt Brown was indifferent to what evidence Charles Burgin was trying to present to her about the fraudulent conduct of the defendants. He lost out on ability to contract when he could not present his business plan and budget which included a \$40,000 salary as Executive Director of the Buffalo Chapter 5000 Role Model of Excellence Project

~~86.)~~ FOURTH CLAIM FOR RELIEF
(Tortious Interference with Prospective Business Relations)

87) That, Plaintiff hereby re-alleges and incorporate by reference paragraphs 1 through 86 as if fully set forth herein.

88. That, Plaintiff Charles Burgin was working on his business plan and budget as regarding a 6-12-13 Board ordered import study cost analysis for 5000 Role Models of Excellence Project.

89. That, Charles Brandy maliciously, wrongfully and fraudulently created ABO's mentor Committee report stating that Charles Burgin had "Cased all Commencement" with the mentor Committee tasked with doing the import study cost analysis. That report was sanctioned by Will Keresztes and approved by Superintendent Brown without giving Charles Burgin an opportunity to be heard and present his evidence that Charles Brandy had committed fraud.

90. Likewise the Board was totally

and deliberately indifferent to Charles Bergen being heard to present his evidence of fraud as the Board took no action resulting in their legal plea for relief because he lost an opportunity to present his business plan and budget to BPS Board and make a contract in which he was to be Executive Director of Buffalo Chapter 5000 Rob Models of Excellence Project at a salary of \$40,000 per year once contract with BPS Board was approved. Defendants acted wrongfully and with deliberate indifference thus creating liability.

WHEREFORE: Plaintiff respectfully request that Court grant relief in the following:

- A.) Plaintiff demands jury trial.
- B.) Plaintiff Demands judgement against defendants herein individually and together or personal capacity
- C.) Declaratory judgement ordering Buffalo Board Of Education and Superintendent to have District parent stakeholder and School District put together a distinguished and reputable panel of qualified and honest people of integrity to complete the 6-12-13 board ordered "Impact study / cost analysis" of 5000 Role Models Of Excellence Project which was illegally and fraudulently shut down due to the actions of (deliberate indifference) of board defendants, District employee and S. Nathan Hare, who does not work for Buffalo Board of Education.
- D.) Order Buffalo Board Of Education (BPS District) to pay \$1,000,000 (one million dollars) in compensatory damage for it's liability and unlawful actions as outlined in this lawsuit.

E.) Order the individual Board of Education members and employees being sued in their capacity to pay \$5,000,000 (five million dollars) in Compensatory Damages for their unlawful actions as outlined in this lawsuit.

F.) Order the Buffalo Board of Education and the individual board members and employees being sued in their individual or personal capacity to pay \$5,000,000 (five million dollars) each in punitive Damages for their deliberate indifferent and intentional unlawful actions as outlined in this lawsuit.

G.) Order Defendant L. Nathan /Harc to pay \$10,000,000 (ten million dollars) in Compensatory Damages for his unlawful actions as outlined in the lawsuit.

H.) Order Defendant L. Nathan /Harc to pay \$15,000,000 (fifteen million dollars) in punitive Damages for his intentional, deliberate, fraudulent and conspiracy related unlawful actions as outlined in this lawsuit.

I.) Award Plaintiff Costs of this action, together with reasonable attorney fees.

J.) Injunctive relief requiring BPS and Board of Education to write the long delayed letter of invitation to Congresswoman Frederica (34)

S. Wilson to come to Buffalo to "help move this important initiative forward" as was promised by Supt. Brown

K.) Grant Plaintiff such additional equitable and legal relief as the Court deems just and proper in the Circumstance.

DATED: JUNE 8, 2018

Yours etc.

On the 8TH day of June, 2018.

Before me personally appeared
Charles Burgin.

Charles Burgin 6-8-18
CHARLES BURGIN PRO SE

22 Bennett Village Terrace
Buffalo, N.Y. 14214
bromaninc@gmail.com
(716) 207-4186



SUSAN R. WHITE
Notary Public, State of New York
Qualified in Erie County
My Commission Expires 8/18/2019

Revised 05/01 WDNV

AFFIDAVIT OF SERVICE

(If you are having your signature notarized, use this form)

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

CHARLES BURGIN

Plaintiff(s),

AFFIDAVIT OF SERVICE

v.

15 -CV- 02018

BUFFALO BOARD OF EDUCATION
LEONATHAN HARE ET AL ET AL

Defendant(s).

STATE OF NEW YORK)
COUNTY OF _____) ss.:

I, (print your name) CHARLES BURGIN, served a copy of the attached papers
(state the name of your papers) AMENDED COMPLAINT

upon all other parties in this case

by mailing _____ by hand-delivering X (check the method you used)
these documents to the following persons (list the names and addresses of the people you served)

Kevin M. KEARNEY

Karl W. KRISTOFF

The Guaranty Building

140 Pearl St, Suite 100

Buffalo, NY 14202-4040

on (date service was made)

Charles Burgin
(your signature)

Sworn to before me this 8TH
day of June, 2018

Notary Public
SUSAN R. WHITE

Notary Public, State of New York
Qualified in Erie County

My Commission Expires

8/18/2019